

M6ABANES

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

19 Cr. 91 (DLC)

CARLOS ROBLEDO-ANEZ,

Defendant.

Sentence

New York, N.Y.
June 10, 2022
2:00 p.m.

Before:

HON. DENISE COTE,

District Judge

APPEARANCES

DAMIAN WILLIAMS

United States Attorney for the
Southern District of New York

BY: DAVID J. ROBLES

Assistant United States Attorney

ROBERT OSUNA

Attorney for Defendant

Also Present: Rossana Testino-Burke, Interpreter (Spanish)

Humberto Garcia, Interpreter (Spanish)

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(Case called)

MR. ROBLES: Good afternoon, your Honor. David Robles for the government.

THE DEPUTY CLERK: For the defendant.

MR. OSUNA: Robert Osuna. Yes, your Honor. We're ready to proceed. Good afternoon.

THE COURT: Good afternoon, everyone. We are assisted today by an interpreter who is certified to interpret between Spanish and English. Mr. Robledo, if you have any difficulty understanding what is being said through the interpreter, will you please let me know immediately.

THE DEFENDANT: Yes, your Honor. Thank you.

THE COURT: Good. I want to advise counsel that under our Covid protocol if you wish to address me without a mask, you may do so by using the podium. Thank you. Up to you entirely how you want to proceed.

Mr. Osuna, was the presentence report translated to your client?

MR. OSUNA: Yes, your Honor. I met with my client. We reviewed it in Spanish. I'm bilingual and he had no problem understanding.

THE COURT: Did you discuss it with each other after you read it to him?

MR. OSUNA: Yes, we did discuss it.

THE COURT: Do you have any objections to the report

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1 other than what might be contained in your written sentencing
2 submission?

3 MR. OSUNA: No, your Honor. No other objections.

4 THE COURT: Thank you. The presentence report will be
5 made part of the record in this case and placed under seal. If
6 an appeal is taken, counsel on appeal may have access to the
7 sealed report without further applications to this Court. I
8 have defense submission filed on June 2, and it contains a
9 number of attachments, all of which I've reviewed, and I have a
10 June 7th letter from the government.

11 This is a case in which the defendant entered a plea
12 of guilty to two counts pursuant to a plea agreement with the
13 government that included an offense level of 33 and a criminal
14 history category of I. The PSR makes the same calculation.
15 I've reviewed it and adopt it as my own. The guidelines range
16 is therefore 135 to 168 months in prison. The government
17 recommends a sentence within the guidelines range. Probation
18 department recommends a sentence of 120 months. The defendant
19 requests a sentence of 30 months. Among other issues, the
20 defendant stresses that his term of incarceration has been
21 served so far under difficult conditions because of the
22 pandemic.

23 He points as well to two other sentences that I've
24 imposed for co-defendants, or co-conspirators. One was a
25 sentence of 120 months, another was a sentence of 150 months,

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1 and he points as well to the strong support the defendant has
2 from his family. The defendant was engaged in a significant
3 way with respect to a scheme to import cocaine into this
4 country from Bolivia, including with a test shipment financed
5 by the defendant. The defendant in his conversations with
6 informants indicated a familiarity with this kind of scheme and
7 contacts in law enforcement and in the aviation community that
8 would that assist in the successful delivery of substantial
9 amounts of cocaine into this country. I will hear from you,
10 Mr. Robles.

11 MR. ROBLES: Thank you, your Honor. Just very
12 briefly, the government's position is set forth fully in our
13 submission, but I did want to highlight for the Court certain
14 factors that the government views as particularly compelling in
15 which the government respectfully submits should guide the
16 Court's sentence, the sentence that the Court would impose in
17 this case.

18 And I want to note at the outset that the government
19 is certainly mindful that we're advocating for a sentence that
20 is high. The guideline range is significant here, but we've
21 given it careful consideration and we do believe that a
22 sentence within the guidelines range would accurately capture
23 the seriousness of the offense and the other 3553(a) factors
24 that the Court must consider when imposing sentencing.

25 First, as the Court noted, this is a serious offense.

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1 The defendant played an integral part in a conspiracy to import
2 massive amounts of cocaine to the United States. He put down an
3 initial investment to ensure that a sample load of cocaine
4 reached the United States, a sample load which did in fact
5 reach the United States which was intended to be essentially a
6 test sample for much larger transactions if they were to come
7 to fruition.

8 And what the government found particularly striking
9 here with respect to the defendant's conduct was his
10 willingness to leverage contacts that he believed he had within
11 Bolivia in the aerospace industry as the Court noted, and in
12 other areas of Bolivia to facilitate much larger transactions.

13 In fact, as we noted in our sentencing submission,
14 immediately after the defendant was told that one of the
15 shipments was going to be for around 1700 kilos of cocaine, the
16 defendant immediately placed a phone call to a family member
17 instructing that person to inform the individual in charge of
18 one of the aerospace agencies in Bolivia to essentially tell
19 that person that they were going to require his services in the
20 future, which from the government's perspective obviously shows
21 the defendant's willingness to leverage those contacts and his
22 intent to further this conspiracy.

23 We'll note that with respect to the defendant's
24 history and characteristics. He has no known prior criminal
25 convictions. As we said in our submission, the defendant does

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1 appear to be safety valve eligible in this case. I'll note for
2 the Court and respectfully ask that this particular portion of
3 the transcript be maintained under seal.

4 THE COURT: Excuse me. There's no need to address on
5 the public record anything that should be sealed.

6 MR. ROBLES: Understood, your Honor. The defendant
7 from the government's perspective meets the criteria for safety
8 valve eligibility. But, again, despite having any known
9 criminal convictions, the defendant here made clear to the
10 confidential sources on recordings that he had contacts he was
11 willing to leverage for drug trafficking that he was willing to
12 actually go forward with those transactions.

13 And the fact that the defendant is someone who seems
14 to have grown up in a close-knit family, had education, had
15 lawful employment, I think really here is troubling because it
16 shows that the defendant had every incentive to continue
17 leading a law-abiding life, but instead chose to engage in this
18 conspiracy to import cocaine into the United States.

19 And finally, just with respect to deterrence. The
20 government knows that the defendant after completing any
21 sentence will be sent back to Bolivia where the defendant
22 himself acknowledged he has contacts that could help facilitate
23 large scale cocaine shipments, so the government has some
24 concern from a specific deterrence perspective with that.

25 And finally just as a matter of general deterrence the

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1 government respectfully submits, that a sentence here within
2 the guidelines range would show that those individuals seeking
3 to import large amounts of cocaine to the United States to
4 leverage government contacts in order to facilitate those types
5 of deals, that a guideline sentence here would show that those
6 crimes will be punished with heavy sentences.

7 And so unless the Court has any further questions, the
8 government will rest on its submission.

9 THE COURT: Mr. Osuna.

10 MR. OSUNA: Yes, your Honor. Thank you very much.
11 Firstly, I would like to thank the government that they've been
12 very kind and decent with my client since the inception of this
13 case. I would further thank my client's family that flew in
14 all the way from Bolivia to be here present today. I've noted
15 very often in this courthouse I've seen defendants who live in
16 the Bronx and their families won't come down here to support
17 them. These individuals came all the way from Bolivia to beg
18 for their husband and father's life.

19 Your Honor, I have to begin with the conduct. To
20 disregard the conduct or to understate the seriousness of the
21 conduct I think would be foolish on my part. To American ears
22 it sounds an outrage. There's a country in Latin America that
23 people presume is an ally that is really not an ally, that
24 there are people that are not participating with our Drug
25 Enforcement Agency, not cooperating with our international

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1 authorities and thinking that they could take advantage of it,
2 so I understand the government's need to have a deterrent
3 effect. I can understand the government's need to punish this
4 conduct. I frankly wasn't aware that this kind of conduct was
5 even going on in Bolivia, but I'm not Bolivian, so I understand
6 the need to punish and to punish severely that conduct. I
7 understand that.

8 However, I ask the Court to look at my client's
9 conduct and his entire life, the conduct that this one meeting
10 in the scope of his entire life. My client is now 56 years
11 old. At the time that this had happened, he had grown up with
12 his family on a farm well outside the city. At this time, they
13 had moved to the city, Santa Cruz, which is the capital city,
14 and it was there that my client's wife opened a little
15 restaurant and he had a little real estate office and they were
16 brokering cars. That's when he got introduced to these types
17 of people and he made that investment.

18 Of course he shouldn't be making any investments with
19 any drug dealers, of course not. If I was allowed to throttle
20 a client, I would have throttled this man, because it's such a
21 marked departure from the life that he apparently led. But to
22 his credit, he withdrew from that conspiracy. He did not --
23 all the talk about airports and everything that he discussed
24 there, he did not provide any of that support thereafter. He
25 withdrew. That shipment was lost. He never appeared again on

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1 the government's radar. He didn't follow-up with that
2 investment. He didn't follow-up, hey, what happened.

3 I know what happens through experience with drug
4 dealers. They lose a shipment, they start fighting. Hey, I
5 got robbed, who took that shipment. There better be proof.
6 What's going on. He did none of that. He withdraw. He got
7 out of the city because he realized that -- when they met in
8 Panama, he was invited to Panama where they were all arrested.
9 And he said, I'm not going. I come from a farm. I have no
10 business being in Panama with these people.

11 He realize that those people, the co-defendants,
12 Mr. Vasquez-Drew and Mr. Londono, who were there in Panama. He
13 said these people are far more sophisticated than myself, and
14 he withdrew. He and his family, he closed his office that he
15 had there. He closed his wife's restaurant, and they went right
16 back. They abandoned everything they had there, disconnected
17 his phone and went right back to his family farm where his
18 family has been probably for generations.

19 THE COURT: So what prompted that withdrawal? Was it
20 the seizure of the drugs or arrests?

21 MR. OSUNA: No, I think it was just flatout fear that
22 he didn't want to participate. The meeting in Panama, he was
23 invited to that meeting. He did not go to that meeting. He
24 didn't know they were going to be arrested in Panama. Nobody
25 knew, obviously, that's why they got arrested there, but he

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1 specifically did not go because that meeting in Panama, he
2 realized was something he never participated in before. It was
3 something outside of his experience, so he did not go. Nobody
4 knew they would be arrested in Panama. By the time that arrest
5 came in Panama, he was already back on his family farm, so he
6 wasn't arrested there. That was in 2019 those individuals were
7 arrested. He's arrested later on coming into the United States
8 for a family trip.

9 THE COURT: Yes, I understand that, but the
10 description I have of the recording indicates a far more
11 sophisticated knowledge, understanding and participation than
12 what you are describing to me.

13 MR. OSUNA: Well, the conversation is extensive. The
14 conversation does display a knowledge of what was going on
15 because he already met with Mr. Londono, the co-defendant. He
16 already met with him before. He knew him, that's why he had
17 come to my client seeking that investment, so he knew what was
18 going on. It's a small country. Everybody there knows what's
19 going on, but he did not provide that logistical support. If
20 you see, the other co-defendant, Mr. Vasquez-Drew, he did have
21 contacts and airplanes. He sent his pregnant wife to the
22 United States with pieces of a plane. That's an individual
23 who's providing extensive support. He discussed all those
24 things, but he did not provide the support.

25 THE COURT: Well, he financed. He participated in the

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1 financing of the transaction.

2 MR. OSUNA: Yes, absolutely, for that he pled guilty.
3 Absolutely, of course. I don't deny that financing of that
4 shipment. To his credit, he did not follow through on that
5 shipment. He did not try to send any other shipments. He did
6 not provide any additional support. Other than that one
7 meeting and that one financing, he doesn't appear on the
8 government's radar. He was not extradited from his country.
9 He came here voluntarily on a family trip. So he did not
10 provide that additional logistical support that the other
11 co-defendants were in fact providing, were in fact engaged in,
12 that meeting in Panama, as per the government's submission, was
13 discussions of an additional 1500 kilos. Mr. Vasquez-Drew had
14 discussed 60 kilos and bricks and kitchens and laboratories of
15 his own.

16 My client had that one -- albeit clearly guilty,
17 meeting. He financed a drug transaction. That's clearly
18 illegal. It should clearly be punished. It should be punished
19 accordingly. Other than that one day in his entire 56 years,
20 that's the extent of his criminal participation in this case,
21 so I would ask the Court in sentencing my client to take that
22 participation in light of the much wider conspiracy that was
23 going on here.

24 The second individual who was sentenced to, I believe,
25 was 150 months, that gentlemen had an indictment in Miami. He

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1 had an indictment here. He was laundering money with his
2 brother. According to the government's submission in that
3 case, they tried to take over the whole route, the whole
4 operation, so I understand those individuals' participation was
5 far greater than my client's.

6 I'm not minimizing my client's conduct, Judge. I
7 don't want to impress that upon the Court. I am severely
8 stating, I understand the need to punish his conduct. That is
9 a gross violation of our laws. Thinking that you can ship
10 drugs here with impunity has to be punished. I get that. I
11 fully understand it. I'm simply stating in light of the wider
12 conspiracy that was going on here, his participation was not as
13 great as that of the others and he withdrew, did not go to
14 Panama. He had no idea they were going to be arrested. He
15 didn't go there because he didn't want to participate in what
16 those individuals were doing at that time.

17 Again, your Honor, as the government touched upon, my
18 client has led what I would say a very charmed life. Coming
19 from a Latin American country, his family has owned that farm
20 where he is from for generations. He's been married to the
21 same woman for well over 30 years. They've raised three
22 wonderful children. He had a good education. My client was
23 well-respected in his community of cattle ranchers. He's cared
24 for his elderly parents. His father died while he was here.
25 His father found out about his arrest. It was his stepfather,

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1 but he raised him from childhood. The gentleman passed away
2 while he was incarcerated here. My client at 56 is at that
3 weird age in his life where you're taking care of your parents
4 because they're elderly and infirmed or like children, and
5 you're still taking care of your young kids because they
6 haven't fully grown up yet.

7 He has been the rock and the center of this family.
8 To his credit, he's always been a good husband, a good father.
9 It's been hard breaking. When I met my client's wife and she
10 came to New York, she said to me, Mr. Osuna, I was shocked
11 about this. I was shocked. She was like, I'm in the
12 restaurant next door. I had no idea this was going on in my
13 husband's office. And I told her I said, you know, this is
14 nothing that your husband was proud of. This is nothing that
15 he would share with you. It was likely his fear for his family
16 that forced him to abandon the city and to go back to where
17 they were from to their little town where he lives in the
18 mountains there.

19 Your Honor, again, I state, many people, like the two
20 individuals who were arrested here. They come to court and
21 they find God here. They come to court with a bible. They come
22 to court after they've been arrested with their hand in the
23 jar. That didn't happen. Years went by between the criminal
24 conduct here and his arrest. He did not participate any
25 further after that date.

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1 Again, I will state as to his extraordinary family
2 support. Again, I credit these individuals for flying here.
3 This is very difficult, very expensive when people from the
4 mountain side of Bolivia to come here to the United States to
5 show support for their family members. These are hardworking
6 people. My client had been a hardworking person. This has
7 been a terrible embarrassment for himself, for his community,
8 for the people who know him in the community.

9 His children have suffered. Prior to this arrest, his
10 kids were all known because the families that know each other.
11 They know the grandparents. Everybody there knows each other.
12 And prior to that, they were all looked as kids who came from a
13 nice family. And now you know what they're looked at, they're
14 looked at like the kids of a drug dealer, the kids of someone
15 whose father's in prison in the United States having done
16 something stupid and something illegal, and my client feels
17 that pain everyday. He feels that pain, your Honor.

18 So, your Honor, in imposing the sentence, I understand
19 the guidelines here. I get it. I'm asking for a marked
20 departure from the guidelines. I don't do that easily. I
21 don't. I understand the guidelines. As I told you to American
22 ears, reading this, when I first saw this, I got mad and hurt.
23 I got mad, so I understand that I'm asking for a serious
24 departure from the guidelines here. I understand that, but I
25 do so in looking at this gentleman's entire life. I look at

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1 his age. I look at his health. He's not going to die soon,
2 but he did contract Covid inside MDC which is really
3 frightening, really scary being locked down. It's very
4 frightening being away from your family not knowing if you will
5 survive a severe pandemic disease, not knowing if you ever see
6 your kids again, not knowing if you see your wife again.

7 These poor folks when they flew here, they came, and
8 because the jail was shut down, they sent me a picture of them
9 across the street from the MDC in Brooklyn crying, and it broke
10 my heart. I told them, I said, the jail is closed. It's
11 Covid. I'm very sorry. The BOP is doing what they can do.
12 They're doing their very best in there, and I know because I go
13 in. I said, but it's closed to visitors to go and see him.

14 I understand that there's a greater stressor when an
15 individual is close to their family. You know we always ask at
16 the end of sentencing, please put them in Fort Dix. Please put
17 them in Pennsylvania so their family can visit. There's
18 nowhere you could put my family where his family can easily
19 visit which is a greater stressor upon someone.

20 I ask the Court to consider that he did have a long
21 life with a good education. This was a marked departure from
22 the life that this gentleman had led. Of course he has to be
23 punished. The message has to be sent. I agree with the
24 government. People in Bolivia have to know that you don't do
25 this, that this is not free willing Franklin that you just send

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1 drugs here and who cares, so I understand that that sentence
2 has to be imposed, Judge. I understand that.

3 But I ask the Court in imposing that sentence to look
4 at the entirety of this gentleman's life, to look at the 3553
5 factors that have to prevent, right, to protect the society
6 from further crimes of the defendant. Statistics show that
7 recidivism is very rare as you age. This gentleman is 56 now.
8 The likelihood that he is going to serve a sentence here and
9 might be sentenced here and go home and God forbid get back
10 into criminal conduct is very, very small. He hadn't had any
11 criminal conduct in the two years since the incident and his
12 arrest.

13 So I credit him when he says to me, Mr. Osuna, this is
14 my last. I made this mistake. I want to pay my debt to
15 society. I want to go back to my family. I want to see my
16 mother before she dies. I want to spend time with my kids as
17 they grow. I want to spend time with my wife. I fully credit
18 this individual. Lord knows I've had clients here in this
19 courthouse and others with an arrest record longer than my arm.
20 And they say to me, Robert, I'll never do it again, and I'm
21 looking at them with my eyes crossed-sided, because I can't
22 credit them because they have such a long history.

23 As opposed to when I have a gentleman like this, who's
24 been to school, who's been educated, who has a future, who has
25 a means of supporting himself and his family. I credit that

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1 contention. Judge, again, I thank you, and I would ask you to
2 impose the sentence I've requested for in my submission. Thank
3 you very much.

4 THE COURT: Thank you. Before I hear from the
5 defendant, just on the issue about the defendant voluntarily
6 withdrawing from criminal activity and not engaging in it
7 again. Mr. Robles, did you want to be heard on that issue?

8 MR. ROBLES: Your Honor, I just wanted to note just
9 the chronology which might be helpful. So, in July of 2018 is
10 when the meeting happens that was recorded between the
11 defendant, Mr. Londono and the confidential sources. In
12 September of 2018, so just shortly after that is when the 10
13 kilograms of cocaine arrived in Miami, test sample that was
14 intended to be a test sample for much larger transactions. The
15 defendant and others were indicted in February of 2019. That
16 indictment was under seal.

17 And then in March of 2019, there was a meeting in
18 Panama where Mr. Londono, who was at the initial meeting with
19 the defendant who was going to be doing these larger deals with
20 the defendant was arrested, and Mr. Vasquez was arrested there
21 as well. And so with respect to his withdrawal from the
22 conspiracy, the government would respectfully submit that the
23 timing there is such that the defendant participated in a
24 meeting in July, a test sample was sent that he helped finance,
25 and then his co-conspirators were arrested shortly thereafter.

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1 And so unless the Court has any further questions, I'll leave
2 it at that.

3 THE COURT: So you do not know when this return to the
4 country and selling the restaurant and getting out of the
5 business in the city occurred?

6 MR. ROBLES: No, your Honor.

7 THE COURT: And the 10 kilograms, were they seized in
8 September?

9 MR. ROBLES: They were seized in September when they
10 arrived in Miami. They were seized by customs and border
11 patrol.

12 THE COURT: So it is, I take it, the government's view
13 that at that point in September, those involved in that
14 shipment would have understood that there was a risk that the
15 government had been involved in following or infiltrating the
16 organization?

17 MR. ROBLES: I think that is fair to say, your Honor.

18 THE COURT: Thank you.

19 MR. ROBLES: I just wanted to clarify one piece
20 defense counsel said just to clarify. When the government was
21 making its deterrence argument, it was not discussing -- I
22 think defense counsel said that individuals in Bolivia need to
23 be deterred from this. The government's point was that
24 individuals involved in drug trafficking at large and
25 individuals relying on government officials at large need to be

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1 sent a message that those actions will be met with serious
2 consequences.

3 THE COURT: So the government's position that those
4 involved in illegal narcotics transactions wherever they may
5 live need to be deterred?

6 MR. ROBLES: That's exactly right, your Honor.

7 THE COURT: Thank you. So before I hear from the
8 defendant, Mr. Osuna, the government has put a chronology on
9 the record, and I just want to give you a chance to respond if
10 you think any of that's incorrect.

11 MR. OSUNA: I understand the chronology, of course. I
12 understand the chronology, and that will stand to reason if a
13 person believed that the government had infiltrated the
14 organization, that would demonstrate the difference between
15 people who have the impunity, like Londono and Vasquez-Drew who
16 don't care and continue operating, and someone who would get
17 the message and say, you know what, the government's involved.
18 I'm done. I'm not going to continue.

19 Because after the seizure in September, the meeting in
20 Panama takes place later, and those people, everybody knew that
21 that shipment was seized. And those people said, you know
22 what, I don't care. I'm going to go on. I'm going to Panama,
23 going to a beautiful country. We're going to talk about 1500
24 more kilos. Those people act with impunity. A rationale person
25 says, you know what, if the government was involved, I'm done.

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1 I get it. This is not my behavior. This is not behavior I'm
2 going to continue.

3 THE COURT: Thank you. Mr. Robledo, I'll hear
4 anything you have to say on your behalf in connection with this
5 sentence.

6 THE DEFENDANT: I would like to greet you
7 respectfully, your Honor, and also greet everyone present here.
8 And I would like to thank you for allowing me to address you.
9 First of all, I would like to apologize to the United States of
10 America for having participated in that meeting. This is the
11 first legal problem that I have ever had in my life. Your
12 Honor, I would like you to know that immediately after that
13 meeting took place, I regretted it, and I also regretted
14 everything that was spoken about.

15 And proof of that is that I didn't follow-up at all.
16 I didn't provide any other information. I didn't give them any
17 other contacts, phone numbers. I didn't go to any meetings. I
18 was invited to a meeting in Panama with all expenses paid for a
19 meeting with purported investors for this endeavor, but I
20 didn't accept that invitation. I didn't go. To the contrary,
21 your Honor, I did everything possible to break away from these
22 people. I closed down my main business in the city. I closed
23 it down and I lost all my income. I had to move my wife's
24 restaurant practically losing all of our customers, and we also
25 even had to change addresses and move so that they wouldn't

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1 keep insisting with this issue. I did all of this having to
2 pay very high fees for having broken our leasing agreements,
3 and I also cut communication with them. The phone that I was
4 using to communicate with them, I threw it out.

5 Your Honor, it is clear from the investigation and the
6 reports that I didn't know this people before this. There had
7 been no prior history with them. And after the meeting, after
8 I decided not to continue with the plans, they started looking
9 for another person. And everything shows that through that
10 person, they were able to continue with their efforts. So, I
11 don't know -- I didn't follow-up. I don't know if they
12 received a sample or if they didn't, if they ended up going to
13 Panama or if they didn't.

14 Your Honor, we came with my wife to the United States.
15 It wasn't because of business. It was because we were
16 celebrating our anniversary. It has been 33 years, and we also
17 came to see my sister Acatia who lives here in New York

18 THE INTERPRETER: Addition. The defendant also said
19 that his sister Acatia is a U.S. citizen.

20 THE DEFENDANT: Fortunately, I was detained coming
21 into the United States in Miami. That was on May 5, 2021, and
22 my wife was left behind alone and desperate at the airport.
23 What was supposed to be a happy occasion has turned into the
24 worst nightmare up until now.

25 Your Honor, I accept my responsibility for having

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1 taking part in that meeting, and I agree that I must pay with
2 months of detention because of that mistake. I promise you
3 that I will never again get myself involved with shady people
4 like these and also to respect the laws in my country and also
5 of the United States.

6 Your Honor, my family is suffering a great deal
7 because of this and is experiencing a lot of problems. I am
8 the only breadwinner for my family. We have no money. I
9 support my family with my daily work. Among the problems that
10 we have experience is that my father passed away while I was in
11 custody. When he found out about the news, he died of a heart
12 attack. My mother is disabled. She's in a wheelchair, and
13 she's not able to walk or talk. My children were evicted from
14 the place where there were living at school because of
15 nonpayment. My youngest son junior had to abandon his
16 schoolwork to go back to the farm and help out there. My
17 daughter Carlita also had to drop a lot of courses to be able
18 to help her mother during this time.

19 Your Honor, I have several medical issues, including
20 having Covid during the time that I was in custody. I was very
21 afraid, afraid about not being able to see my family ever
22 again. Your Honor, I implore you as a son who would like to
23 take care of his mother, as a father who would like to take
24 care of his children, and as a husband of a woman whom I love.
25 I plead you to allow me to -- to give me another opportunity.

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1 I would like you to take into consideration my remorse, the
2 remorse that I showed immediately after that meeting. Your
3 Honor, I felt remorse immediately before being able to cause
4 any harm to society

5 THE INTERPRETER: Would the interpreter be able to ask
6 the defendant to repeat his last utterance. Defense counsel
7 seems to think that there is some type of discrepancy?

8 THE COURT: Yes.

9 THE DEFENDANT: I would like you to judge me based on
10 the immediate remorse I have felt after the meeting before
11 being able to cause harm to society.

12 THE INTERPRETER: The interpreter would like to
13 request for repetition.

14 THE DEFENDANT: Please don't use me as an example of a
15 harsh punishment so that others won't commit these same acts.
16 But, do take into account a person who feels remorse after the
17 fact and chooses not to become a drug trafficker.

18 Your Honor, I ask God that all your knowledge allows
19 you to -- your knowledge and wisdom allows you to judge me
20 reasonably. Please, your Honor, don't allow that your sole
21 calculations and math allows me to stay in jail one more day
22 than necessary. I ask that judge enlighten you at this time
23 when my life and my family's life is in your hands.

24 THE COURT: So I have a situation which the defendant
25 agreed and intended to engage in significant major drug

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1 trafficking, a situation in which he showed his willingness and
2 commitment by actually investing money into the transaction,
3 but I have a situation as well where there came a point and
4 perhaps it was that seizure of the kilograms in September of
5 2019 that triggered his reaction, but at some point he came to
6 regret what he had done. He changed his mind about continuing
7 in that endeavor, and the government has no evidence that after
8 that point in time, after he left the city and returned to the
9 country side that he continued to assist the conspiracy or any
10 other drug conspiracy in any way.

11 So I have a record here of significant wrongdoing that
12 had a significant consequence. It's more than an initial step.
13 It was the underwriting or partial underwriting of the sample
14 in a large scale transaction and then a withdrawal from the
15 conspiracy. Not withdrawal in the technical legal sense of
16 notifying the authorities, but in the more personal sense of
17 disengaging from the conspiracy. I think that sets him apart
18 from the co-conspirators I have already sentenced. It's not so
19 much the scale of his participation which was significant, but
20 his decision not to continue in the conspiracy that I am
21 focusing on.

22 Also I have to take into account that the defendant to
23 this date has served time in custody when our prison facilities
24 have been challenged by the pandemic, and the steps that they
25 must take to try to keep the population in the prison and the

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1 staff who work in the prison safe has resulted in extraordinary
2 hardship for everyone in the facility. The impact on the
3 family sadly is similar to the impact one sees in families day
4 in and day out when fathers, sons, brothers, choose to engage
5 in criminal activity that results in periods of incarceration.
6 Families lose their breadwinner. They lose someone that they
7 care about deeply, so I put less emphasize on that, But at the
8 same time not because I underestimate the pain and suffering
9 that has occurred here. It is a natural consequence of the
10 defendant's own decisions.

11 Mr. Robledo, please stand. I impose a sentence of 72
12 months imprisonment to be followed by no term of supervised
13 release. I require the defendant to submit to a term of
14 incarceration. I'm sorry, to submit to deportation and not
15 unlawfully reenter this country. He shall pay a special
16 assessment of \$200 dollars and a fine of \$35,000. You may be
17 seated, Mr. Robledo.

18 Counsel, is there any legal reason why I cannot impose
19 the sentence I've described as stated?

20 MR. ROBLES: No, your Honor.

21 MR. OSUNA: No, your Honor, not from the defense.

22 THE COURT: The sentence I've described on the record
23 will be imposed as stated. Are there any open counts?

24 MR. ROBLES: Your Honor, the government moves to
25 dismiss any open counts.

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1 THE COURT: Your application is granted. I need to
2 advise the defendant of his right to appeal. If you're unable
3 to pay the cost of an appeal, you may apply for leave to appeal
4 *in forma pauperis*. Any Notice of Appeal must be filed within
5 14 days of the judgment of conviction. I am going to recommend
6 to the Bureau of Prisons that the defendant receive medical
7 treatment for a herniated disk and high blood pressure and any
8 other medical conditions that require attention.

9 Mr. Osuna, is there any other application?

10 MR. OSUNA: I would ask that he be designated to a
11 facility close to New York so that his sister who lives in New
12 York, who's a United States citizen, could visit him and when
13 his family comes, they can visit him. Something close to New
14 York Fort Dix or Danbury in Connecticut. Thank you very much,
15 your Honor.

16 THE COURT: I recommend to the Bureau of Prisons that
17 the defendant be designated to an institution as close to New
18 York City as possible.

19 Thank you, counsel.

20 (Adjourned)